

STATE • INDIANA



INDIANA UTILITY REGULATORY COMMISSION
302 W. WASHINGTON STREET, SUITE E-306
INDIANAPOLIS, INDIANA 46204-2764

<http://www.state.in.us/iurc/>
Office: (317) 232-2701
Facsimile: (317) 232-6758

IN RE A COMPLAINT UNDER INDIANA CODE)
8-1-2 FOR THE REVIEW OF ALL EXISTING)
WATER AND SEWER RATES AND CHARGES,)
AND FOR RESCISSION OF ALL INCORRECT)
RATES AND CHARGES, WITH THE SPECIFIC)
RESCISSION OF THE RECENT DUPLICATIVE)
LATE PAYMENT CHARGES AGAINST 1099)
CONSUMERS AND MERCHANTS PURSUANT)
TO THE COMMISSION'S AUTHORITY UNDER)
INDIANA CODE 8-1.5-3-8(f)(2) AGAINST THE)
ARBITRARY AND DISCRIMINATORY ACTIONS)
OF CITY OF BLOOMINGTON UTILITIES)

FILED

APR 02 2004

INDIANA UTILITY
REGULATORY COMMISSION

CAUSE NO. 42365

You are hereby notified that the Indiana Utility Regulatory Commission has, on this date, caused the following entry to be made:

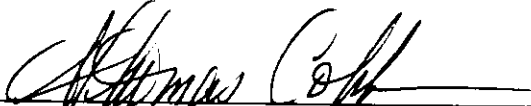
The Court of Appeals of Indiana, by its Order in Cause No. 93A02-0307-EX-605, dated January 20, 2004, granted a Motion by the Appellee, City of Bloomington Utilities, to remand the numbered appeal to this Commission "so the Indiana Utility Regulatory Commission ("IURC") can consider the jurisdictional issue in this matter and all other issues that arise from Appellants' complaint if the IURC determines that it has jurisdiction over this matter."

Thus, as a threshold issue, the Commission must determine whether it has jurisdiction over this matter prior to consideration of any other issues arising from Appellants' complaint. With regard solely to the issue of jurisdiction, the parties are given the following schedule by which they may assert their respective positions: 1) The Petitioner, Brennan, is to file any brief and exhibits solely with regard to the issue of jurisdiction on or before April 26, 2004; and 2) the Respondent, City of Bloomington Utilities, the Office of Utility Consumer Counselor, and any intervenors, are to file any briefs and exhibits on the issue of jurisdiction on or before May 14, 2004; and 3) the Petitioner, Brennan, may file a brief and exhibits in Reply on or before May 21, 2004. This matter is set for oral argument solely on the issue of jurisdiction on May 26, 2004, at 11:00 a.m. in Room E306 in the offices of the Commission, Indiana Government Center South, Indianapolis, Indiana. All parties are directed to file proposed orders on or before June 11, 2004. Any pleadings filed after June 11, 2004 will not be considered in this matter.

The Presiding Officer notes that the Petitioner, Taxpayers Law Center, and Mark Brennan, purport to represent "1099 Named Consumers and Merchants of City of Bloomington Utilities" in this proceeding. Petitioner is directed to provide the authorization and authority by which he undertakes the representation of said named consumers and merchants, by separate

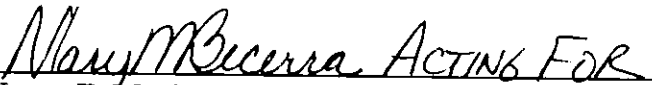
filing on or before April 26, 2004. The Respondent, City of Bloomington Utilities, Office of Utility Counselor, and any intervenors may, by separate filing on or before May 14, 2004, respond to such assertion of authority.

IT IS SO ORDERED.



Thomas Cobb, Administrative Law Judge

Date: 4/2/2004



Nancy E. Manley, Secretary to the Commission